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Kenneth J. Waite
Roche Diagnostics Corp.
9115 Hague Rd.
Indianapolis, IN 46250

In re Application of :
Ihlenfeldt et al :
Serial No.: 10/025,826 : Decision on Petition
Filed: December 19, 2001 :
Attorney Docket No.: BMID 9918 CUS :

This is in response to applicant's "Petition to Accept an Unintentionally Delayed Claim Under 35 USC 120" filed September 19, 2003.

On December 19, 2001, applicants filed instant continuation application claiming co-pendency with parent application 09/308,034. However, applicants unintentionally failed to submit the reference required by 35 USC 120 along with the instant application. The discrepancy was noted in the first Office Action. On September 19, 2003, the present petition was filed. The petition was accompanied with the surcharge as set forth in 37 CFR 1.17(t).

Applicants' petition and statement shows that the entire delay in submitting the required reference from the due date for making the submission was unintentional. Accordingly, the petition is Granted. The delayed claim under 35 USC 120 is accepted.

Petition GRANTED.

Should there be any questions with respect to this decision, please contact Cecilia J. Tsang, by mail addressed to: Director, Technology Center 1600, Alexandria, VA 22313-1450, or by telephone at (703) 308-0254 or by facsimile transmission at (703) 305-7230.

Cecilia Tsang for
John Doll
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